

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE HOPE COLLEGE DATA
SECURITY BREACH LITIGATION

Case No: 1:22-cv-01224-PLM

CLASS ACTION

JURY TRIAL DEMANDED

**PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiffs Jennie Devries, Tricia Garnett, Mark Cyphers, Timothy Drost, Joseph Rodgers, Emily Damaska, and Elise Carter (collectively, “Plaintiffs”), individually and on behalf of all others similarly situated, move this Court, pursuant to Federal Rule of Civil Procedure 23, for an Order granting preliminary approval of the proposed class action Settlement Agreement agreed to by the Parties.¹ This Motion seeks preliminary approval of Plaintiffs’ agreement with Hope College to settle all individual and class claims that were made, or could have been made, in Plaintiffs’ Consolidated Amended Complaint. ECF No. 12.

In support of this motion, Plaintiffs rely upon the accompanying Brief in Support, the Declaration of Benjamin F. Johns, which includes the contents of the Settlement Agreement and its supporting documentation, and the Declaration of Epiq Class Action & Claims Solutions, Inc., all in Support of Plaintiffs’ Unopposed Motion for Preliminary Approval.

Plaintiffs respectfully request that the Court: (1) grant preliminary approval of the Settlement Agreement; (2) provisionally certify the Settlement Class under Federal Rules of Civil Procedure 23(b)(2) and 23(b)(3) in connection with the settlement process; (3) provisionally appoint Plaintiffs as representatives of the Settlement Class; (4) provisionally appoint Benjamin F. Johns of Shub & Johns LLC

¹ The Settlement Agreement and its exhibits are included in the accompanying Brief in Support as an Exhibit to the Declaration of Benjamin F. Johns.

as Settlement Class Counsel; (5) find that the proposed Settlement is sufficiently fair, reasonable, and adequate to allow dissemination of notice of the settlement to the proposed Settlement Class by a settlement administrator; (6) appoint Epiq Class Action & Claims Solutions, Inc. as Settlement Administrator; (7) approve the Notice Plan for the Settlement described in the Settlement Agreement and its Exhibits, as well as the specific Notice of Class Action and Proposed Settlement (the “Proposed Notice”) and direct distribution of the Proposed Notice; (8) establish dates for a hearing on final approval of the proposed Settlement, Plaintiffs’ service awards and Plaintiffs’ counsel’s request for attorneys’ fees and expenses; and (9) establish a deadline for the filing of objections by Settlement Class Members and for them to exclude themselves from the proposed Settlement Class with respect to the settlement.²

September 8, 2023

Respectfully Submitted:

/s/ Benjamin F. Johns

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² A Proposed Order is included as an exhibit to Plaintiffs’ accompanying Supporting Brief.

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Counsel for Plaintiffs and Proposed Class
**Admission Pending*

CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2023, I electronically filed the foregoing documents using the Court's electronic filing system, which will notify all counsel of record authorized to receive such filings.

/s/ Benjamin F. Johns
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